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Junji Seki

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SUITE 700

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WASHINGTON, DC 20005

EXAMINER

NGUYEN, NGA B

ART UNIT

PAPER NUMBER

3692

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DELIVERY MODE

10/31/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/928,354

Applicant(s)

SEKI ET AL.

Examiner

Nga B. Nguyen

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10,12-16 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10,12-16 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 14, 2007 has been entered.
2. Claims **1, 3-8, 10, 12-16 and 20** are pending in this application.

### ***Response to Arguments/Amendment***

3. Applicant's arguments with respect to claims 1, 3-8, 10, 12-16 and 20 have been considered but are moot in view of new grounds of rejection.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4-6, 10, 12, 14-16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiff et al (hereinafter Walker), U.S. Patent No. 6,477,533, in view of Business Wire, "AmeriNet Group Intends to Enter Multi-Billion Dollar Travel Industry", and further in view of Mandler et al (hereinafter Mandler), U.S. Patent No. 6,785,661.

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Regarding to claim 1, Schiff discloses a method executed by a computer to support service site operations for offering services to customers, comprising the steps of:

providing, via network, information about paid services available from service providers to a customer, who has signed up for membership (column 7, lines 5-35, customers and agents interact with the cruise selling and booking system 110 via the Internet, customers is provided with information about packages and book a cruise packages utilizing components of the cruise selling and booking system 110 through interaction with agents; column 16, lines 10-40, agent signs on to the booking and selling system 110 by submitting ID);

receiving an order for one of the paid services from a terminal of the customer which is connected to the computer via the network (column 20, line 65-column 21, line 12, agents perform the booking activities, reserves a cabin or particular sailing for customers);

receiving from the customer a proposal for a travel product (column 20, lines 25-65, agent performs lead activities, quote activities, option activities);

providing other members with information about the proposed travel product as on of the paid services (column 7, lines 5-35, customers is provided with information about packages and book a cruise packages utilizing components of the cruise selling and booking system 110 through interaction with agents).

Schiff does not disclose the customer signs up for membership with payment of a predetermined fee. However, Business Wire discloses the customer signs up for

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membership with payment of a predetermined fee (see page 1 in bold, Vista Vacations International, Inc. charges its agents a one-time membership fee). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Schiff's to incorporate the feature above, for the purpose of providing the benefit for the company who provides services to agents.

Mandler discloses the following features that Schiff does not disclose:

evaluating creditworthiness of the customer, based on the payment made and credit information (column 6, line 45-column 7, line 5, the clearinghouse 40 evaluates the credit worthiness of the buyer);

determining, based on the creditworthiness of the customer, how much on-behalf payment can be offered to the customer in payment for the paid service that the customer has ordered (column 7, lines 5-25, the clearinghouse 40 determines the credit limit for the buyer);

notifying the terminal of the determined amount of the on-behalf payment (column 8, lines 5-10, the clearinghouse 40 invoices the buyer for the amount of the PO and creates the account receivable);

causing the determined amount of on-behalf payment to be paid to the provider of the paid service that is ordered, in expectation of later reimbursement by the customer (column 8, lines 5-20, the clearinghouse 40 establishes an account payable to the seller in the amount of the PO, the clearinghouse 40 invoices the buyer in the amount of the PO and creates the account receivable).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Schiff's to adopt the features taught by Mandler above, for the purpose of providing more convenient to the customer in purchasing products/services over the Internet, because the customer is prepaid for the services purchased.

Regarding to claim 4, Schiff further discloses wherein the paid services include travel packages (column 7, lines 5-35, customers and agents interact with the cruise selling and booking system 110 via the Internet, customers is provided with information about packages and book a cruise packages utilizing components of the cruise selling and booking system 110 through interaction with agents)

Regarding to claim 5, Schiff does not disclose the paid services include license acquisition courses. However, Business Wire discloses the paid services include license acquisition courses (see page 2, paragraph 2, Vista provides agents with access to continuing professional education and training). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Schiff's to incorporate the feature above, for the purpose of providing professional education and training for agents.

Regarding to claim 6, Schiff further discloses making the customer promote sales of travel products to other members; and paying a commission to the customer when the customer receives an order for one of the travel products (column 23, lines 5-30, agent obtains commission when proposing travel product to customers).

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Regarding to claim 10, Schiff further discloses paying the commission to the customer who has proposes a travel product (column 23, lines 5-30, agent obtains commission when proposing travel product to customers).

Claims 12, 14-16 are written in means that contain similar limitations found in claims 1, 4-6 above, therefore, are rejected by the same rationale.

Claim 20 is written in computer-readable storage medium that contain similar limitations found in claim 1 above, therefore, is rejected by the same rationale.

6. Claims 3, 7, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiff et al (hereinafter Walker), U.S. Patent No. 6,477,533, in view of Business Wire, "AmeriNet Group Intends to Enter Multi-Billion Dollar Travel Industry", in view of Mandler et al (hereinafter Mandler), U.S. Patent No. 6,785,661, and further in view of Kleinberg, U.S. Application Publication 2001/0037265.

Regarding to claims 3 and 13, Schiff does not disclose wherein the customer is a purchaser of an insurance product. However, Kleinberg discloses wherein the customer is a purchaser of an insurance product (page 3, [0026], the web site 30 offers the travel insurance to customers). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Schiff's to incorporate the feature above, for the purpose of providing travel insurance for customers.

Regarding to claim 7, Schiff does not disclose making the customer promote the sales is executed only the customer has a sales agent license for a predetermined set of insurance products. However, Kleinberg discloses making the customer promote the sales is executed only the customer has a sales agent license for a predetermined set

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of insurance products (page 3, [0025], the regulated nature of the insurance industry mandates that sellers of insurances must be individually licensed with different types of insurance products required different licenses). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Schiff's to incorporate the feature above, for the purpose of ensuring that the customer purchase the insurance product from a licensed agent.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schiff et al (hereinafter Walker), U.S. Patent No. 6,477,533, in view of Business Wire, "AmeriNet Group Intends to Enter Multi-Billion Dollar Travel Industry", in view of Mandler et al (hereinafter Mandler), U.S. Patent No. 6,785,661, in view of Kleinberg, U.S. Application Publication 2001/0037265, and further in view of Sundaresan et al (hereinafter Sundaresan), U.S. Patent No. 6,868,400.

Regarding to claim 8, Schiff does not disclose compiling an information entry page which is customized according to the sales agent license that the customer owns; and sending data of the customized information entry page to the terminal. However, Sundaresan discloses compiling an information entry page which is customized according to the sales agent license that the customer owns; and sending data of the customized information entry page to the terminal (column 9, lines 33-45, A license agreement and terms of use are represented to the user for review). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Schiff's to incorporate the feature above, for the purpose of ensuring that the customer purchase the insurance product from a licensed agent.



**Conclusion**

8. Claims 1, 3-8, 10, 12-16 and 20 are rejected.

9. The prior arts made of record and not relied upon is considered pertinent to applicant's disclosure:

Kohavi et al. (US 7,136,821) disclose method and apparatus for the composition and sale of travel-oriented packages.

Lynch et al. (US 6,018,715) disclose automated travel planning system.

Heintzeman et al (US 6,631,355) disclose system and method for awarding credits to persons who book travel-related reservations.

Peterson et al. (US 5,903,873) disclose system for registering insurance transactions and communicating with a home office.

PR Newswire, "Netcruise.com Adds Global Crossing Executive to Board."

Jenkins, Florida Trend, "travel agency travails."

Tour & Travel News, "Alpine Creates Reservation System."

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Kambiz Abdi, can be reached on (571) 272-6702.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-0325 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox building, 501 Dulany Street, Alexandria, VA, First Floor (Receptionist).



NGA NGUYEN  
PRIMARY EXAMINER

October 23, 2007